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reissue is based. This rejection is fully set forth in prior Office action, Paper No. 32, mailed on January 27, 2003.

(12) New ground of rejection.

This Examiner's Answer does not contain any new ground of rejection.

(13) Response to argument.

The Examiner's response to Appellant's arguments regarding the recapture rejection in prior Office action, Paper No. 32, mailed on January 27, 2003, is incorporated herein by reference.

CONCLUSION

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,



Vinh T. Luong
Primary Examiner

Conferees on August 6, 2003:

SPE David Bucci and 

Primary Examiner Lenard A. Footland 



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 35

Serial Number: 09/115,764
Filing Date: July 15, 1998
Appellant: Michael Reasoner

Samuel J. Haidle for
Appellant

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GROUP 3600

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed May 29, 2003.

(1) Real Party in Interest.

The statement of the real party in interest is contained in the brief.

(2) Related Appeals and Interferences.

The statement of the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of claims.

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

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(5) Summary of invention.

The summary of invention contained in the brief is correct.

(6) Issues.

The appellant's statement of the issues in the brief is correct.

(7) Grouping of claims.

The rejection of claims 4-29 and 37-40 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims appealed.

A correct copy of appealed claims 4-29 and 37-40 appears on pages 1-7 of the Appendix to the appellant's brief.

(9) Prior Art of record.

No prior art is relied upon by the examiner in the rejection of the claims under appeal.

(10) New prior art.

No new prior art has been applied in this examiner's answer.

(11) Grounds of rejection.

The following grounds of rejection are applicable to the appealed claims:

Claims 4-29 and 37-40 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present

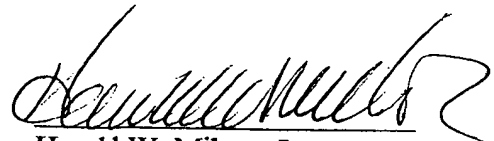
The patent to Dickirson '138 is not remotely suggestive of the subject invention because it merely discloses a snap-together assembly which is held together by nut 242 having flexible projections 244 which dig into the inner component. There is absolutely no coil spring intension to urge the telescoping components into one another in Dickirson '138.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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